

Kenny C. Guinn, Governor



Seung Park, O.M.D., *President*
Dr. Lok, O.M.D., *Member*
Sharon Roth, O.M.D., *Member*
Edmund Pasimio, M.D., *Member*
Tom Stewart. *Member*

STATE OF NEVADA BOARD OF ORIENTAL MEDICINE

MINUTES

Meeting of the Board of Oriental Medicine

May 17, 2003 at 9:00 A.M.

Held at the Board's Primary Office

4475 S. Pecos Rd

Las Vegas, NV 89121

1. **Call to order, roll call, and determination of a quorum.**

Dr. Park, President of the board, called the meeting to order at 9:00am

Board Members Present:

Dr. Seung Park, Dr. Edmund Pasimio, Tom Stewart, Dr. Sharon Roth, Dr. Peter Lok

Staff Present:

Kimberly Reese, *Executive Director*

Earnest Figueroa, *Deputy Attorney General*

Public Present:

Jeff Webb

Huiwen Zhang

Stephanie Jordan

Sae Lee

Jun Wen Zhang

Chia Yun Lo

Jo Hsiang Lo

Farolyn McSweeney

Dr. Hak E. Rhee

Dr. Fiona Kelley

2. Adoption of agenda.

Action: Motion carried

3. Approval of the Minutes (Action)

Approval of December 21, 2003 Minutes, October 5, 15th minutes

Action: **Motion Carried except for the Minutes of October 5th, 2002.**

4. Discussion/Action of the newly adopted regulations (as stated below) and the possibility of adopting/amending the regulations and the scheduling of new regulation hearing to adopt any changes **NO DISCUSSION/ACTION TAKEN**
Dr. Sharon Roth

Section 8. (1a, 2).

(1). To comply with the requirement of passing an examination in Oriental medicine that is administered by a national organization approved by the board pursuant to NRS 634A.120, an applicant for licensure as a doctor of Oriental medicine must pass the examinations for acupuncture, Asian bodywork therapy and Chinese herbology administered by a national organization approved by the board:

(a) Not earlier than the 2 years immediately preceding the date on which his application is submitted;

(2). If an applicant has passed any of the examinations required pursuant to subsection 1 more than 2 years immediately preceding the date of submission of his application, the applicant shall be deemed not to have passed that examination for the purpose of complying with subsection 1 and must retake and pass that examination in accordance with the provisions of subsection 1.

Section 9. (1d), 2)

(1). The board may reject an application for licensure as a doctor of Oriental medicine if it appears that:

(d) The application is not completed within 6 months.

(2). The board will reject an application if the applicant's check to pay any applicable fees is returned for insufficient funds.

Section 12. (3)

A person who is not a licensee may be issued a temporary certificate pursuant to NRS 634A.165 if:

(3). The board approves the application at a regularly scheduled meeting.

Section 14.

Fee for approval of course of continuing education fee for practical examination

The board will charge and collect the following fees:

Original fee for practical examination	1,000.00
Approval of course of continuing education	100.00

Section 19. (2, 4a, b)

NAC 634A.080 is hereby amended to read as follows:

634A.080 ~~An application must be completed in English by the applicant, 2. and must be either typed or written.]~~ must submit, together with his application, evidence that he has successfully completed an accredited 4-

year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine which is approved by the board.

(4). For the purposes of subsection 1, the board may approve an accredited 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine if the board finds that:

(a) The program of study includes training or instruction in the subjects of acupuncture, moxibustion, herbology, Oriental physiology, Oriental pathology, Oriental diagnosis, tuina, biology, physics, chemistry, biochemistry, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory and radiology; and

(b) The program of study:

(1) Required the completion of at least 2,800 hours of instruction, including not less than 2,500 didactic hours, for a student to have graduated before November 25, 2002; or requires the completion of at least 3,000 hours of instruction, including not less than 2,500 didactic hours, for a student to graduate on or before November 25, 2002;

Section 20.

NAC 634A.090 is hereby amended to read as follows:

634A.090

~~(1). An applicant for a license from the board shall, as part of his application, furnish written consent to an investigation of his personal background, professional training and experience by the board or any person acting on its behalf. Each applicant shall furnish to the board, along with his application, a set of his fingerprints and written consent for the board to submit the fingerprints to any law enforcement agency in connection with his application for a license.~~

~~Each applicant shall also submit as 2. a part of his application a nonrefundable deposit of \$300.~~ *The deposit* to be used to defray the expenses of the investigation of each applicant's background and training ~~is nonrefundable.~~ If the cost of the investigation exceeds the sum deposited, no further consideration will be given to the application until the applicant has tendered in full such additional investigative fees as the board deems reasonably necessary to complete the investigation.

~~[No—3.]~~

An (2). applicant may *not* take the *practical* examination for which he has applied before the investigation of his background and training has been completed.

Section 21.(4a, b, & d)

NAC 634A.100 is hereby amended to read as follows:

634A.100

(4). As a part of any *practical* examination, the board may examine an applicant as to his basic knowledge of ~~anatomy, physiology, baacteriology, biochemistry, pathology and hygiene.~~

(a)Needling. The board may require a demonstration of needling on a patient or on the applicant himself.

(b)Skills pertaining to sterilization.)

(d)Basic medical science concerning anatomy, physiology, pathology, biochemistry, bacteriology and communicable diseases.

Section 22. (1, 3)

NAC 634A.110 is hereby amended to read as follows:

634A.110

(1).An applicant for a license ~~{from the board}~~ *to practice Oriental medicine* who has failed ~~{an}~~ *the practical* examination may apply for reexamination by the board no earlier than 6 months after the date of the *practical* examination failed by the applicant. A person seeking reexamination shall notify the ~~{secretary-treasurer-of-the-board}~~ *executive director* by completing a form prescribed by the board and submitting ~~{therewith a fee of \$100.}~~ *the fee set forth in section 14 of this regulation*

(3).~~{Any applicant for a license}~~ *An applicant* may *not* take the ~~{prescribed}~~ *practical* examination or any portion thereof ~~{no}~~ more than three times within any 5-year period. If an applicant must retake only a portion of ~~{an}~~ *the practical* examination and the applicant does not successfully complete that portion after his third attempt, he must at any future reexamination repeat the entire *practical* examination then being administered by the board.

Section 23. 4(b)

NAC 634A.135 is hereby amended to read as follows:

(4).A licensee who is not practicing in this state may request the board to classify his license as inactive. A person who holds an inactive license is exempt from the requirements set forth in this section regarding continuing education.

(b)Submit proof to the board that he has satisfied the applicable requirements ~~{+}~~

Section 24. (2)

NAC 634A.150 is hereby amended to read as follows:

Any person whose license has been canceled 634A.150 pursuant to NRS 634A.160 and who desires ~~{another license from the board}~~ *to reinstate his license* may have his license reinstated if ~~{he:}~~

(2).The person submits proof of compliance with the applicable requirements concerning continuing education;

Section 28. (2a, b, & c)

NAC 634A.230 is hereby amended to read as follows:

634A.230

(2).The board ~~{may}~~ *will not* refund any part of the application fee to an applicant ~~{for good cause shown.}~~ *if the applicant:*

(a) Does not complete his application by providing all the documentation required by the form for application within 6 months after the actual date of filing of the form by the applicant;

(b) Withdraws his application; or

(c) Dies before he is issued a license by the board.

5. Discussion/Action regarding putting back in current regulations. 624A.120 Conflicts of interest

Section 33 Amend NAC 634A.120 by deleting it in its entirety as follows:

~~NAC 634A.120 Conflicts of interest. No member of the board or the Oriental medicine advisory committee will participate in preparing, examining or grading an examination or in any other decision made with respect to any applicant to whom the member is related in the third degree of affinity or consanguinity.~~

[Bd. of Oriental Med., Art. XIV, eff. 4-26-74]

Dr. Sharon Roth

6. **Consideration of Previous Applications:**

Discussion regarding approval of applications

- a. Ross Kaplan

Motion: Dr. Park moved to deny application pursuant to NRS 634.075 applicant provided no information to his case in six months.

Second: Dr. Pasimio

Action: Dr. Roth – Obstain, Tom Stewart-No, Dr. Lok-yes

Dr. Park-Yes, Dr. Pasimio-Yes

Motion Carried

- b. Peter Luk

Action: Table application to next board meeting July 12th. Approval pending outcome of Fingerprint Investigation. ED to move applicant into category Consideration of Licensure.

7. **Consideration for Licensure**

Discussion regarding approving pending applicants for licensure

- a. Maureen McKinney

Motion: Tom Stewart moved to approve applicant for licensure

Second: Dr. Lok

Action: Motion carried Unanimously

b. Nelson Comerci

Action: Tabled to next meeting July 12th, 2003. Approval pending outcome of FBI fingerprint results.

8. **Consideration of Applications**

Discussion/Action to approve/disapprove application for licensure

a. Jeff Webb

Motion: Dr. Park denied based on applicant not met current regulations.

Second: Dr. Pasimio

Action: Dr. Roth-Abstain, Tom Stewart-Yes, Dr. Lok-yes

Dr. Pasimio-Yes, Dr. Park-Yes

Motion Carried

b. Stephanie Jordan

Motion: Dr. Lok motioned to accept Stephanie Jordan's application and sit for the old jurisprudence exam on Health and Safety and Laws and Regulation.

Second: Tom Stewart

Action: Dr. Pasimio-abstain, Dr. Park-No, Dr. Lok-Yes, Mr. Stewart-Yes, Dr. Roth-Yes

Motion Carried

Motion: Dr. Pasimio moved to charge applicant a \$500 current fee for exam.

Second: Dr. Roth

Action: Dr. Lok-Yes, Mr. Stewart-Yes, Dr. Roth-Yes, Dr. Pasimio-Yes

Motion Carried

c. Joaquim Almeria

Action: Dr. Pasimio moved to table application to next board meeting. Application not completed by July 12th, 2003 to deny.

Motion carried Unanimously

d. F.L. Wang

Action: Dr. Pasimio moved to table application to next board meeting. Application not completed by July 12th, 2003 to deny
Motion carried Unanimously

9. **Complaints**

Discussion/Action regarding complaints.

a. Vince Link

Motion: Tom Stewart moved to table until July 12th, 2003 and review according to old regulations.

Second: Dr. Roth

Action: Mr. Stewart-Yes, Dr. Roth-Yes, Dr. Lok-Yes, Dr. Pasimio-Yes

Motion carried

b. Neil Baesal

Motion: Dr. Park moved to refund applicant \$400 for application fee.

Second: Dr. Pasimio

Action: Motion carried Unanimously

c. Steven Collins

Motion: Dr. Park moved to refund applicant \$400 for application fee.

Second: Dr. Pasimio

Action: Motion carried Unanimously

d. Dr. Mardelle Jensen's complaint against licensee Dr. Bruce David Eichelburger.

Action: Tabled to board meeting July 12th. Due to lack of notice timing

10. Discussion/Action regarding "***Robert's Rules of Order Newly Revised tenth addition***" as the board's standard manual for conducting meetings. (Copies can be purchased at <http://www.robertsrules.com/default.html>)

Motion: Tom Stewart moved that we accept the most current standard procedure manual

Second: Dr. Roth

Action: Motion carried Unanimously

11. Discussion/Action clarifying duties and responsibilities of Executive Director to also include establishing a job description and allotting the position of Secretary Treasurer to Executive Director or Board Member. Tabled from December 21, 2002 board meeting.

Action: DAG to bring a sample table to next board meeting.

12. **Executive Director Report:**

a. Discussion/Action of Oriental Board Audit Report for fiscal year July 2001 – June 2002.

Action: Dr. Park moved for ED to propose a \$1500 fee instead of \$2500 on behalf of the CPA firm if not to go ahead with the \$2500 fee.

Motion carried Unanimously

b. Discussion/Action of Oriental Board Budget for 2003. (See Agenda Item 17)

Motion: Peter Lok motioned during the budget crisis to have current Executive Director cut pay to half and reduce number of Hours working

Second: Dr. Park

Action: Dr. Roth-No, Tom Stewart-No, Dr. Pasimio-Abstain

Dr. Lok-Yes, Dr. Park-Yes

Motion not Carried

13. Discussion/Action regarding policy of the payment of the practical examination's fee. (Tabled from December 21, 2002 board meeting)
Motion: Dr. Pasimio motioned to have applicants pay in full 60 days prior to the exam date. If applicant cancels 30 days prior refund applicant only ½ of fee.

Second: Dr. Park

Action: Dr. Lok-Yes, Tom Stewart-No, Dr. Roth-Yes, Dr. Pasimio-Yes, Dr. Park-Yes

Motion carried

14. Discussion/Action on establishing the advisory committee of the practical examination and election of 3 committee members for the decision of the scope of the practical examination.

Motion: On the issue of Agenda numbers 14 & 15 Dr. Park volunteered to elect Farolyn McSweeney, June Wen Zhang and Dr. Sae Lee. The committee members will manage and accomplish the role of the Examiners for the practical examination.

Second: Dr. Pasimio

Action: Dr. Lok –Yes, Dr. Roth – No, Tom Stewart – No,

Dr. Pasimio- Yes, Dr. Park-Yes

Motion carried

15. Discussion/Action by the Board regarding clarifying exact specific information and objectives as to required material for practical exam. (Tabled from December 21, 2002 board meeting.)

Action: See number 14 of agenda

16. Discussion/Action by the Board regarding accepting bids from Testing Companies to write practical exam/as well the hiring of independent contractors.

Action: DAG advised the board might hire licensees.

17. Discussion/Action to discuss methods to work out the budget crisis.
Motion: Dr. Park motioned to eliminate June 28th meeting, Oct 4th 2003 board meeting.
Second: Dr. Pasimio
Action: Dr. Roth-No, Tom Stewart-No, Dr. Lok-No, Dr. Pasimio-Yes, Dr. Park-Yes
Motion not carried
- Motion:** Dr. Park moved to have Betty Yang work voluntarily for the Oriental Board as Executive Director during the budget crisis.
Second: No Second
Action: Motion died
18. Discussion/Action to elect new president of the Oriental Board.
Tom Stewart nominated Dr. Roth for President of Board; Dr. Lok nominated Dr. Park for President of Board
Action: Dr. Pasimio voted for Dr. Park to serve a second year
19. Discussion by the Board to approve/disapprove the CME credit application by Timothy N. Shultz for 15.0 hours of Continuing Education credits, by attending the 17th Annual Low Back Pain Conference to be held June 27-29, 2003 at Flamingo Las Vegas, in Las Vegas, NV. **(See attached Program)**
Motion: Dr. Roth to approve course conditional upon receiving fee and CEU form
Second: Dr. Pasimio
Action: Motion carried Unanimously
20. Discussion/Action by the board to approve/disapprove Dr. Sharon Roth's 2 day 15 hour course in women's hormonal changes in regards to fertility and menopause, taught by Miki Shima, OMD, LAc **Dr. Sharon**
Motion: Dr. Pasimio motioned to approve CEU
Second: Tom Stewart
Action: Motion carried Unanimously
21. Public Comment
22. Adjournment
Action: Motion carried unanimously

